

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

____ Division

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☒ NoHeather Hoffman

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Melissa Karpanich

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

Heather Hoffman
 96 A Compass Rd
 Parkersburg Pa 19365
 City State Zip Code
 Chester
 484 667 0741
 hoffmanheather@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Melissa Karpovich
 Carnation officer
 40 3307 Main St
 Morgantown Pa 19543
 City State Zip Code
 Berks
 610 286 1012



Individual capacity



Official capacity

Defendant No. 2

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

TBD on joinder
 City State Zip Code



Individual capacity



Official capacity

Defendant No. 3

Name _____

Job or Title (if known) _____

Address _____

City _____

State _____

Zip Code _____

County _____

Telephone Number _____

E-Mail Address (if known) _____

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Address _____

City _____

State _____

Zip Code _____

County _____

Telephone Number _____

E-Mail Address (if known) _____

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Constitutional - Amendments 4th, 5th, 8th, 14th
not limited to only listed

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

I was mailed a citation that was type date 3/1/21 and then ~~adulterated~~ (adulterated) to "2/20/21" was a Saturday not a Monday as listed.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Elverson Ps (in my private rental)
with NO police scales.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

2/20/21 / 3/1/21

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Mailed a ticket / Citation by said officer Karpovich. She has no jurisdiction over the rental address I was at on 2/20/21 and 3/1/21 (Building owner) not yet contacted. She clearly stated on open district Court "I mailed you a Citation". That states she pulled me over. I was in bed on that day Both 2/20/21 and 3/1/21 at 4am.

III Statement of Claim (Cont)

C. Even after being impeached,
went to the District Attorney
whom threatened me with

"I could give you 1 year in
jail." (Not the Statute presently).

I did my due diligence in
Penn Dot and Case

1 LIN 2015

and CP-06-SA-281-2021

Therefore, my PA drivers
licence has been
Valid since 12/2002.

(Justice David Miller - District
Court
Lancaster B)

I was hit in that accident & not at fault.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

- Mental stress and anguish
- Pain and suffering
- Fear of being further falsely incarcerated as years before and proven - or worse just for sleeping. (Medical necessity for diabetics to eat, rest when ill etc)
- Loss of enjoyment of my personal life

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

- Correct the record Penn Dot cannot refuse to correct. (75 file 1772)
- Punitive damages \$5,000⁰⁰ for mental torture, which had no probable cause to inflict nor any jurisdiction from said officer. (Not limited to only this) - No other officer treat us like this
- Any further willful ~~harassment~~ harassment from anyone toward myself or family for no just reasons (goes to specific intent) - please harsher sanctions - demote; fire or incarcerate. Its too much to be treated indifferently etc

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

3-14-22

Signature of Plaintiff



Printed Name of Plaintiff

Heather Hoffman**B. For Attorneys**

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

*City*_____
*State*_____
Zip Code

Telephone Number _____

E-mail Address _____

Commonwealth of Pennsylvania : IN THE COURT OF COMMON PLEAS OF BERKS COUNTY
V OF BERKS COUNTY, Pennsylvania – Criminal Division
Heather Hoffman : Docket NO : CP-06-SA-281-2021
Judge : John A. Boccabella

Motion for Dismissal without Prejudice

And now comes Heather Hoffman pursuant to Rule 401 Test for Relevant Evidence and Rule 402 – General Admissibility of Relevant Evidence.

- Rule 401 Test for Relevant evidence
- (b) the fact is a consequence in determining the action
- Rule 402 US Constitution
- Federal statute; these rules; other rules by the Supreme Court.
- Irrelevant evidence is not admissible.

Rule 104 (b) Relevance that depends on a Fact.

Bessenyei V Vermillion, Inc., C.A. No. 7572- VCN (Del.Ch.Nov. 16, 2012) (Noble, V.C.)

“...Pennsylvania courts have also concluded that it is unlawful in Pennsylvania to notarize documents that are not signed in the notary’s presence. In Downing, the Pennsylvania Commonwealth Court found invalid a notarization performed by a notary public who “affixed her notary seal to a document which, although signed by [the appellant], had not been signed in her presence.”¹⁴ The Downing court further stated that “while it is all too common a practice for notaries public to affix their seals to documents not signed in their presence, such a practice, however, is clearly unlawful, and should not be condoned, for the evils of such an unlawful practice are readily apparent. . . .” [1 LIN 2015 Joinder]

This evidence clerked in evidenced by time stamp – in 2002 therefore VOIDS the ‘default judgment’ of allegation amount of 2,049.25 (No legal fees listed- no insurance documents ever presented.) I am not interested in wasting Court’s time – This case was properly adjudicated in Justice Miller’s Court. In 1 LIN 2015 Insolvency can combine all pending issues that were /are/tbd under joinder. I am not interested in out of statute functions. My right to drive is all that is necessary, please.

I further understand that the Police have a job to do. The 2/20/21 I was not questioned in Sheetz parking lot by a uniformed or plain clothes officer. Nor knowingly followed. I was in the right of my privacy in my rental. I have no need to lie to an officer nor the Court. If There is no RING camera footage available of a non public hallway on 2/20/21 and/or 3/1/21 , please based on both Common law principles of Beyond a Reasonable Doubt and Preponderance of the Evidence , I would like my legal right to drive not to be obstructed any further. Thank You.

EXHIBITS – Link to Filed Documents with Lancaster County Prothonotary

Lancaster PA

I , Heather Hoffman , hereby verify that the statements made herein are true to the best of my knowledge , information and belief.I further verify they are subject to the penalties of PA 18 4904 unsworn falsification to authorities.

11/10/2021

s/Heather Hoffman

2-23-22



I hereby verify service by Rules of Civil Procedure in Pennsylvania , US Mail or email.

11/10/2021

s/ Heather Hoffman

2-23-22



Links below

*To protect identity of others
due to confidentiality laws etc*

[https://prothonotary.co.lancaster.pa.us/CivilCourt.Public/\(S\(day5d2ilfevs0dmrtlmsovbj\)\)/Handlers/DocumentHandler.ashx?vid=45605](https://prothonotary.co.lancaster.pa.us/CivilCourt.Public/(S(day5d2ilfevs0dmrtlmsovbj))/Handlers/DocumentHandler.ashx?vid=45605)

[https://prothonotary.co.lancaster.pa.us/CivilCourt.Public/\(S\(ysj2ofraqvrfqk1b5agilgqm\)\)/Handlers/DocumentHandler.ashx?vid=966511](https://prothonotary.co.lancaster.pa.us/CivilCourt.Public/(S(ysj2ofraqvrfqk1b5agilgqm))/Handlers/DocumentHandler.ashx?vid=966511)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF BERKSSUMMONS FOR SUMMARY CASE
TRAFFIC

Mag. Dist. No: MDJ-23-3-01
 MDJ Name: Honorable David E. Glass
 Address: 321 North Furnace Street
 Suite 180
 Birdsboro, PA 19508
 Telephone: 610-582-8615

Commonwealth of Pennsylvania
 v.
 Heather Lynn Hoffman

Heather Lynn Hoffman
 10 E Main St
 Po Box 378
 Elverson, PA 19520

Docket No: MJ-23301-TR-0000425-2021
 Case Filed: 3/1/2021

Charge(s)	
75 § 1543 S5A (Lead) DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR REVOKED	
FINE AND COSTS: OFFENSE: VEHICLE:	Fine: 200.00 Costs/Fees: 134.86 Server Fees: Restitution: Total Due: 334.86 Date: 03/01/2021 Time: 4:00 am Location: 3800 BLK MAIN ST. Plate Number: HZN9083 State: PA Registration Yr: 2021 Make: Ford Model: Sedan, 4 Door Officer: Melissa J. Karpovich

WITHIN TEN (10) DAYS OF RECEIPT OF THIS SUMMONS YOU MUST:

1. PLEAD NOT GUILTY by notifying the magisterial district judge above in writing and forwarding an amount equal to the total due specified above plus \$9.00 if the offense charged is a motor vehicle offense as required by statute; or if the fine and costs are not specified, forward the sum of \$50.00 as collateral for your appearance
 2. PLEAD NOT GUILTY by appearing before the magisterial district judge above and posting such collateral for your appearance as the magisterial district judge shall require; OR,
 3. If you cannot afford to pay the total due specified above or the \$50.00 collateral, you must appear before the magisterial district judge above to enter a plea; OR,
 4. PLEAD GUILTY by notifying the magisterial district judge above in writing, signing the appropriate plea under the MAIL IN PLEA section, and forwarding an amount equal to the total due specified above; OR,
 5. PLEAD GUILTY by appearing before the magisterial district judge above if the total due is not specified, or if you are required to appear because the offense with which you are charged carries a mandatory sentence of imprisonment, for example, a violation of 75 Pa.C.S. Section 1543(b) (Driving while operating privilege is suspended or revoked)
- IF YOU ARE FOUND GUILTY BY THE MAGISTERIAL DISTRICT JUDGE AND WISH TO APPEAL, YOU HAVE THIRTY (30) DAYS TO REQUEST A TRIAL DE NOVO IN THE COURT OF COMMON PLEAS
 - ALL CHECKS OR MONEY ORDERS FOR FINE, COSTS, FEES, OR FOR COLLATERAL, SHALL BE MADE PAYABLE TO "MAGISTERIAL DISTRICT NO MDJ-23-3-01"
- You can make case payments online through Pennsylvania's Unified Judicial System web portal. Visit the portal at <https://ujportal.pacourts.us/epay> to make a payment.
- IF YOU FAIL TO RESPOND TO THIS SUMMONS WITHIN THE TIME SPECIFIED ABOVE, A WARRANT FOR YOUR ARREST SHALL BE ISSUED.

IF YOU INTEND TO RESPOND BY MAIL:

Detach and complete the lower portion of this summons with your signature on the appropriate plea line, (1) or (2).

If you PLEAD NOT GUILTY, your check or money order must be in the amount of the total due specified above, plus \$9.00 costs. If the total due is not specified, your check or money order must be in the amount of \$50.00 which will be held for collateral for your appearance at trial. You will be notified by mail of your date and time for trial.

If you PLEAD GUILTY, enclose a check or money order in the amount of the total due specified above. Failure to remit the full amount of the fine, costs, and fees may result in the issuance of a warrant for your arrest. Your check or money order shall be made payable to "Magisterial District No MDJ-23-3-01".

(DETACH HERE)

MAIL IN PLEA

I represent that I make this plea knowingly, voluntarily, and intelligently. (Failure to indicate a plea when forwarding an amount equal to the total due specified above will result in a guilty plea being recorded.)

Docket No: MJ-23301-TR-0000425-2021 Citation No: E 90043514 Defendant: Hoffman, Heather Lynn

1. I PLEAD NOT GUILTY

Heather Lynn Hoffman
 (Signature)

2. I PLEAD GUILTY

I was charged off private property. I was in my home.
 (Signature)

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

MDJS 617A

Printed: 03/02/2021 8:45:49AM



FREE INTERPRETER
www.pacourts.us/language-rights
 610-582-8615

I do not consent to torture and illegal treatment.

COMMONWEALTH OF PENNSYLVANIA
Magisterial District No. MDJ-23-3-01
321 North Furnace Street
Suite 180
Birdsboro, PA 19508
610-582-8615



TRAFFIC CITATION

CITATION NO.: E0004351-4
Docket Number Assigned by Court:
MJ-23301-TR-0000425-2021
FILED: 03/01/2021

Defendant's First Name Heather		Middle Name Lynn		Last Name Hoffman		Driver's Number 22940594		State PA		CDL NO	
Defendant's Address Street 10 E MAIN ST.		City ELVERSON		State PA		Zip Code 19520		O.C.B. 09/04/1971		Race 	
PRIMARY VEHICLE		Veh. Reg. No. HZN9083	Reg. Yr. 2021	State PA	Model Yr. 2003	Make FORD	Model FORD-FOC	Ethnicity 	Primary Phone 	2nd Phone 	
TRAILING UNIT 1		Veh. Reg. No.	Reg. Yr.	State	Make			Style Sedan, 4 Door	Color Red		
TRAILING UNIT 2		Veh. Reg. No.	Reg. Yr.	State	Make			Style	Color		
Owner/Lessee or Carrier Hoffman				First Name Heather		Middle Name Lynn		Suffix 			
Owner Street Address 10 E MAIN ST.				City ELVERSON		State PA		Zip Code 19520			
Charge DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR REVOKED								TITLE 75			
Nature of Offense OPERATION OF VEHICLE WITH SUSPENDED OR REVOKED LICENSE								67 PA Code		Section 1543	
								Ref. 49 CFR		Subsection A	
								FINE		200.00	
Actual Speed		Allowed Speed	Timing Device	Fine Doubled Due To				E.M.S.		\$10.00 20.00	
Offense Date 03/01/2021		Time 4:00	Day Monday	Vehicle Weight 	Permitted Weight 	File on Info. Rec'd No	Lab Serv. Requested No	SURCHARGE		\$ 45.00	
Comm. Veh. No	HazMat No	Juvenile No	Parents Notified No	Accident Rpt. No	Incident Number 32-21-0634	Weather Conditions No Adverse Conditions		COSTS		\$40.50 42.00	
Location 3800 BLK MAIN ST.								J.C.P./A.T.J.		\$ 22.00	
Route 0023	Dir. of Travel E	Interstate No	County Berks	Two-Boro-City Caernarvon Township				Total Due		\$334.80	
Speed Timing Device Operator				Miles Followed	Miles Timed	Secs. Timed		Special Activity None			
Stopped By Marked		Observed By Marked		Speed Detection Type		Station Equip. Tested		Date Equip. Tested		Speed Equip. Serial No.	
Confidential Information Section											

I verify that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to the unsworn falsification to authorities. I certify this filing complies with the UJS Case Records Public Access Policy.

Officer KARPOVICH	E-FILED		Officer ID No. 43649
THIS CITATION HAS BEEN ISSUED/FILED BY A MEMBER OF THE CAERNARVON TOWNSHIP		ORI Number PA0062400	Phone Number (610) 286-1011

RIGHTS AND OBLIGATIONS

This citation will be filed with the magisterial district judge whose address appears above.

- Within ten (10) days of the receipt of this citation you must:
 - PLEAD NOT GUILTY by notifying the proper Magisterial District Judge in writing, signing the appropriate plea below, and by forwarding for collateral an amount equal to the Total Due plus \$9.00 if the offense charged is under the Vehicle Code; or if the Total Due is not specified, by forwarding the sum of \$50.00 as collateral for your appearance at trial.
 - OR
 - PLEAD NOT GUILTY by appearing before the proper Magisterial District Judge and posting such collateral for your appearance as the Magisterial District Judge shall require.
 - OR
 - Appear before the proper Magisterial District Judge to enter a plea if you cannot afford to pay the Total Due or the \$50.00 collateral.
 - OR
 - PLEAD GUILTY by notifying the proper Magisterial District Judge in writing, signing the appropriate plea below, and by forwarding an amount equal to the Total Due as specified, or by making payments online through Pennsylvania's Unified Judicial System web portal. Visit the portal at <https://usportal.pacourts.us/online> to make a payment.
 - OR
 - PLEAD GUILTY by appearing before the proper Magisterial District Judge if the Total Due is not specified or if you are required to appear because of the offense with which you are charged carries a mandatory sentence of imprisonment, for example, a violation of 75 Pa.C.S. § 1543(b) (Driving while operating privilege is suspended or revoked.)
- If you fail to appear for trial, the trial may be held in your absence.
- If you have been charged with a summary offense under the Vehicle Code, failure to respond within the time specified above will result in the suspension of your driver's license, the issuance of a summons or a warrant for your arrest.
- If you have been charged with a violation of a local ordinance or any parking offense, failure to respond within the time specified above will result in the issuance of a summons.
- If you plead guilty or are found guilty, points may be assessed against your driver's record. An accumulation of points may result in the suspension of your driving privilege.
- Your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to, 75 Pa.C.S. §§ 1371, 3341, 3345, 3367, 3718, 3733, 3734, 3736, subsequent convictions of Pa.C.S. § 3361 when occurring in an active work zone and an accident report is submitted by the police, subsequent convictions of 75 Pa.C.S. § 1501, a violation of 75 Pa.C.S. § 3361 when occurring in an active work zone and an accident report is submitted by the police, and a violation of 75 Pa.C.S. § 3362 when occurring in an active work zone.
- If you are found guilty by the Magisterial District Judge, or you plead guilty, and you wish to appeal, you have THIRTY (30) days to file an appeal for a trial in the Court of Common Pleas.
- If you are disabled and require assistance, please contact the Magisterial District office shown above.

Explanation of Terms:

E.M.S. - Emergency Medical Service Act

SURCHARGE - Funds distributed pursuant to 75 Pa.C.S. §§ 3345(J) and 6506

J.C.P./A.T.J. - Judicial Computer Project/Access to Justice

Commonwealth of Pennsylvania

: IN THE COURT OF COMMON PLEAS OF BERKS COUNTY,

Pennsylvania – Criminal Division

V

: Docket No. CP-06-SA-281-2021

Heather Hoffman

Judge John A. Boccabella

ORDER OF THE COURT

And Now this _____ day of _____ 2022 , the Appeal filed in the above matter is :

_____ DISMISSED

_____ SUSTAINED and the suspension which is the basis of this appeal shall be rescinded.

_____ WITHDRAWN

_____ REMANDED to The Dept.of Transportation to update their records and to rescind the appealed suspension.

_____ Continued and reschedules for good cause for _____ day of 2022 at _____ am/pm in Courtroom _____ of The Berks County Courthouse.

BY THE COURT :

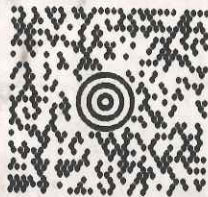
_____. J.

H HOFFMAN
(484) 667-0741
THE UPS STORE #5999
320 COMMONS DR
PARKESBURG PA 19365-2154

1 LBS 1 OF 1
SHP WT: 1 LBS
DATE: 14 MAR 2022

SHIP US COURTHOUSE
TO: JAMES A BYRNE
LBBY
601 MARKET ST

PHILADELPHIA PA 19106-1737



PA 191 9-10



UPS GROUND

TRACKING #: 1Z 916 RR8 03 5663 6410



BILLING: P/P

ISH 13.00F Z2P 450 07.5U 02/2022



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RFD R72 0122

H. H. H. H. H.
96 A Compas Rd.
Parkersburg Pa
19265

James A. Byrne
US Court house
601 Market Street
Philadelphia, Pa 19101



JAMES A. BYRNE
601 MARKET ST
PHILADELPHIA PA 19106
P: YELLOW S: 1MR I: 112
0114-6066 ☐
1Z916RR8035663 6410
KREBC1013N DEST1 Mar 15 03:56:23 2022
US HIPPS 21.6.0 ZG520